

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAR 04 2011

Stephan Harris, Clerk
Cheyenne

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA
V.
DANNY HERNANDEZ

ORDER OF DETENTION
PENDING TRIAL
Case Number: 10-CR-329-F-8

In accordance with the Bail Reform Act of 1984, 18 U.S.C. §3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

[X](1) There is probable cause to believe that the defendant has committed an offense

- defendant has been indicted with a violation of: (1) 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A) – Conspiracy to Possess with Intent to Distribute, and to Distribute, Methamphetamine.
- for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841.

[X](2) The defendant has not rebutted the presumption established by finding that no condition nor combination of conditions will reasonably assure the safety of the community or that defendant is not a flight risk.

Part II - Written Statement of Reasons for Detention

The Court finds, by clear and convincing evidence, that defendant is a danger to the community and, by a preponderance of the evidence, that defendant is a flight risk. Therefore, defendant has not rebutted the presumption in favor of detention, as set forth in 18 U.S.C. § 3142(f). The Court bases its finding on the following: (1) defendant's lack of a release plan; and (2) defendant does not contest detention at this time. Defendant had been previously detained in the Eastern District of California. Accordingly, the defendant shall be detained without bond. If defendant wishes, he may file a motion for reconsideration of detention with this Court at a later date.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for the confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court appearance.

March 4, 2011

Date



UNITED STATES MAGISTRATE JUDGE